

**MINUTES OF THE
CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM
June 3, 2005
9:00AM**

CALL TO ORDER

Caleb Faux called the meeting to order at 9:02 am.

Commission Members:

Present: Mr. Faux, Ms. Hankner, Ms. Holston, Ms. McCray, Mr. Mooney and Mr. Tarbell

Members Absent: Mr. Paddock

Community Development and Planning Staff:

Margaret Wuerstle, Renee Christon, Steve Briggs, Adrienne Cowden, Caroline Kellam, Rodney Ringer and Jennifer Walker.

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the May 20, 2005 Planning Commission meeting for approval.

Motion: Ms. McCray moved approval of minutes

Second: Ms. Holston

Vote: All ayes (6-0), motion carried

CONSENT ITEMS

Item #1 and Item #3 were requested to be moved to Discussion Items.

ITEM #2 A report and recommendation on an ordinance authorizing a lease agreement with the Board of County Commissioners of Hamilton County, Ohio for operation of a homeless shelter within Mt. Airy Forest which at 2660 Diehl Road.

Motion: Ms. McCray motion approval of Consent Item #2.

Second: Ms. Hankner

Vote: All ayes (6-0), motion carried

DISCUSSION ITEMS

ITEM #1 A report and recommendation on the sale of property along View Court (88-9-90), Glencoe Place/Leroy Court lots/Central Court Area (88-9-70/88-9-64/88-9-102), Valencia Street (93-2-136/93-2-137/93-2-138), and City Lot (88-9-63) in Mt. Auburn

Caroline Kellam, Senior City Planner, presented this item

BACKGROUND

The developer, Dorian Development VI, Limited is proposing to rehabilitate five existing buildings commonly known as the Glencoe-Auburn Apartments into 68 condominium units. The buildings, originally constructed in 1888, have had a troubled history since the mid 1960's and were renovated through Cincinnati's first low-income housing rehabilitation project in 1975 under the Federal Rent Supplement Program. Despite the success of the rehabilitation project, the 90-unit complex suffered a steady decline. By 1992, the once renowned complex had deteriorated significantly and HUD recently foreclosed on the units and transferred ownership to the Developer. Presently all units are vacant, and the buildings have been designated a National Historic District. The development includes converting these 4 and 5-story buildings into 51 townhouses and 17 flats ranging in size from 1,300 sq. ft. to 2,500 sq. ft.

The developer has requested to purchase eight (8) vacant parcels of City owned land, which real property is no longer needed for any municipal purpose. The appraised price of the eight (8) parcels is \$41,800. The purchase price to be paid to the City by the Developer for fee simple title to the property shall be One and 00/100 Dollars (\$1.00). The sale of the property to Dorian Development VI, Limited at less than fair market value will result in significant non-economic public benefits as the site's are to be used for parking and amenities to support the 68 units known as Inwood Village. During the Coordinated Report process, the Department of Transportation and Engineering (DOTE) place the following conditions on the sale of these properties:

The subject properties shall be sold, not leased, and any retaining walls on these City properties must become the property and maintenance responsibility of the purchaser. The selling of this property at the earliest possible date increases the tax value of the property as well as making the property productive.

DISCUSSION

Ms. McCray asked if this recommendation was part of the Neighborhood Development Planning effort. According to Staff's response, Ms. McCray felt that even though it is not officially apart of the neighborhood effort it would have a positive impact on the neighborhood.

Motion: Ms. McCray moved approval of Consent Item #1.

Second: Ms. Holston

Vote: All ayes (6-0), motion carried

ITEM #3 A report and recommendation on ordinance for the Sale of Gerard Street between Stetson and Rochelle Streets.

Caroline Kellam, Senior City Planner, presented this item

BACKGROUND

This ordinance provides for the conveyance of the portion of Gerard Street between Stetson and Rochelle Streets for a residential mixed development. The market value of the property as appraised is \$94,500, which the CCDC has deposited with the City Treasurer.

Teresa A. Smith, the only other abutting owner to Gerard Street, has not consented to the sale and therefore notice of this ordinance must be published in a newspaper of general circulation for six consecutive weeks prior to any final Council action. The ad has not yet been published in the newspaper.

DISCUSSION

Ms. McCray had concerns regarding the abutting owner, and whether or not she had been given the opportunity to purchase the property. Mr. Mooney asked if the owner could afford to pay the price of \$94,000. Ms. Kellam stated that the city had offered to purchase the owners' property.

Mr. Chad Munitz, City of Cincinnati Economic Development Director specified that the city has no current use for the public right of way and is ready to sell the property to the developer so that their development project can go forward.

Teresa A. Smith, the owner of the abutting property stated that even though she and the community council welcomes new development to the neighborhood they do not agree with this particular sale. She feels that the plans of the developer to build a garage near her property would be an inconvenience. She had requested to buy the property from the city in 2003. In 2004 she received information from a lawyer for the city that the developer Corryville Community Development Corp. had requested to purchase the street. She stated that she found out her fence line is not where her property line is located. She has a concern not only for parking, but also for her yard. She presented pictures to explain the impact of the development on her property. She feels there are other alternatives than what has been proposed.

Mr. Munitz introduced the representative from the Great Traditions Corp., Greg Robinson, who is the development manager for the project. He stated that the development would be 7' from the owner's property line.

Mr. Mooney expressed confusion. He thought that the Commission was voting on approving the sale of the street, but it appears as though they're approving a bid. He stated that the Commission and the City wanted to be fair.

Ms. Carney, of the Law Department explained that it is a sale of the street to the Corryville Community Development Corp.

Seven Briggs, Senior City Planner told the Commission that he believes that the PD Ordinance assures the owner some buffering between the driveway and yard.

Motion: Ms. Hankner moved to table staff's recommendation until staff can review the Development plan approved by the Commission for this

PD and determined if the proposed plan is consistent with the approved Development Plan.

Second: Ms. McCray

Vote: All ayes (6-0), motion carried

ITEM #4 Public Hearing on a proposal for a two-family dwelling at 2741 Observatory Avenue in IDC #60 within the Hyde Park Neighborhood.

Steven Briggs, Senior City Planner, presented this item

BACKGROUND

A building permit application was received by the Department of Buildings and Inspections on May 9, 2005. The property owner, Thomas P. Sorrentino, proposes to renovate the current single-family structure with a 2,500 square foot addition creating two attached townhomes. The existing zoning is Residential Mixed (RMX) and this address is located within IDC No. 60. The property has 50 feet of frontage on Observatory Avenue and has depth of 150.35 feet containing 7,517.5 square feet.

The proposed building addition is positioned within the rear yard area of the existing residential structure and includes the second dwelling unit and garage parking for each unit. The yard set backs of 30 feet front yard, three feet side yards and a 20 feet rear yard are in compliance with the current zoning code requirements.

On May 20, 2005 the City Planning Commission established June 3, 2005 as the Public Hearing date for this request.

IDC #60 was created at the time of the new zoning code enactment in February 2004 and subsequently extended in February of 2005. It will expire in August of 2005. There were no guidelines adopted. The IDC regulations specify that the City Planning Commission may review building permit applications.

At the time of the new zoning code enactment there was some controversy surrounding the proposed density for this area. The underlying zoning of the area is Residential Mixed (RMX), which is a multi-family designation, that allows for 1-3 dwelling units per parcel. Some residents expressed concern that the RMX was too dense for this area and asked for a zoning study to determine the feasibility of rezoning the area to new type of RMX district that would allow for 1 or 2 dwelling units per parcel. IDC #60 was created to allow review of proposed developments until a zoning study was completed. The City Planning Commission considered changes to the RMX district regulations at its May 6, 2005 meeting.

Essentially the proposed text changes maintain the one, two and three family density but make additional dwelling units in row house configurations a conditional use and the minimal lot area was increased from 2,000 to 2,500 square feet. At this time, City Council has not taken action on the new RMX text amendments.

APPLICATION REVIEW

The proposed property improvements for 2741 Observatory Avenue are in compliance with the current RMX zoning designation requiring no variances from the Cincinnati Zoning Code. The proposed work is permitted by the current zoning and does not conflict with the proposed RMX text amendments. The proposed work will add additional square footage and the new physical structure will have site coverage similar to adjacent property. There is no perceived detrimental effect that a two-family building would have to the general public. Adjoining properties should not be impacted since required setbacks and driveway access are being provided.

DISCUSSION

Mr. Matthew Walsh who lives on Michigan Ave stated that he is neutral regarding the proposal. His concern is the appearance of the south elevation that would be facing his property. The Commission explained that they did not have authority over the appearance of the elevation.

Motion: Mr. Mooney moved approval of the proposal for a two family dwelling in Hyde Park

Second: Ms. McCray

Vote: All ayes (6-0), motion carried

ITEM #5 A report and recommendation on a zone change request for property at 3401 and 3405 Werk Road and 5964 and 5968 Glenway Avenue in the community of Westwood.

Felix Bere, Senior City Planner, presented this item

BACKGROUND

On February 23, 2005, Thomas J. Kenkel petitioned to rezone the subject parcels from the OL Office Limited District to the CG-A Commercial General Auto-Oriented District. Rezoning this property to CG-A will allow the property owner to establish and operate an Electrical/HVAC business mainly at 3405 Werk Road. The four parcels share parking on the site behind the buildings.

Previously the four parcels were zoned O-1A Suburban Low-Density Office District. The O-1A zoning is equivalent to the OL zoning that is currently on the property. The OL District permits offices, research and development facilities and limited commercial uses in a low intensity manner and mixed-use developments with residential uses. The requested CG-A District allows a mix of commercial, office, recreation and entertainment and arts uses that would reflect the regional importance of the area.

The study area includes four parcels (fronting Werk Road and Glenway Avenue) that are occupied by two two-family buildings at 3401 and 3405 Werk Road and two commercial buildings at 5964 and 5968 Glenway Avenue. The commercial buildings house proprietors of hair styling, credit counseling, computer sales and repair. The property is surrounded by office buildings on the north and south; single-family residences on the east; and commercial establishments on the west that include a BP Service Station. The Western Hills Plaza is across the street, northeast of the subject property.

The purpose of this request is to rezone parcels to allow the property owner to establish and operate an Electrical/HVAC business with up to five employees. The existing OL zoning classification on the property does not allow the establishment of an electrical/heating, ventilation and air conditioning business that is being proposed by the petitioner. The requested CG-A District permits establishment and operation of such a business.

The new business is to be established at 3405 Werk Road with parking located at the rear of the property and shared by the remaining three adjoining properties owned by the petitioner. Access to the parking lot is through Werk Road only.

The change of zoning to CG-A was discussed at the Westwood Civic Association (WCA) meeting where the consensus was to allow the petitioner to establish the proposed new business within a CC-M Commercial Community–Mixed District. However, the CC-M District supported by WCA prohibits building maintenance services including Electrical/HVAC businesses. The petitioner revised his request to CC-A Commercial Community-Auto district. At its meeting on May 17, 2005, WCA revisited the rezoning and hence considered the CC-A Commercial Community Auto district newly requested by the petitioner. The petitioner requested CC-A with the knowledge that this zoning district would accommodate the proposed business. The WCA approved the petitioner's request to amend the CC-M zoning it previously approved to CC-A.

Since the community supports the establishment of an Electrical/HVAC business but opposes a rezoning to CG-A, staff considered other zoning designations that would allow the proposed business including CC-A Commercial Community Auto. The current CC-A zone allows uses such as building maintenance service, which include heating and air conditioning operations that the community consider desirable and appropriate. Similarly, other zoning districts, including the CC-M were also considered but deemed inappropriate because they prohibit the uses proposed by the petitioner. The community opposed rezoning the property to CG-A because they consider these uses less desirable and believe they will have a destabilizing effect on the area.

The community also lamented lack of a tool such as the "Transitional Zone" afforded by the former zoning code. They feel that a transition zone designation would have provided what the petitioner wants and at the same time attach necessary development

guidelines geared toward protecting the community from negative impacts associated with higher density development in area.

PLANS

The proposed zone change supports the goals and policies of the Coordinated City Plan, Volume 2: Strategies for Comprehensive Land Use created December 1980. Establishing a new Electrical/HVAC business at the site will support the goals and objectives of the above plan.

Staff asserts that CC-A should be adopted since it is in keeping with the goals of the community, will accommodate the proposed development and it is recommended by Westwood Civic Board. Although the property is not adjacent to a CC-A zone district, the recommended Commercial Community-Auto District will provide a transition from the CG-A District to the OL District. Furthermore, rezoning the area from OL to CC-A will stabilize and enhance the area resulting in greater compatibility with the existing commercial development sustained by two urban principal arterials, Werk Road and Glenway Avenues. The staff supports the proposed zone change to CC-A for the following reasons:

1. Available plans including the Coordinated Comprehensive Plan, Volume 2: Strategies for Comprehensive Land Use's goals and objectives recommend specific uses including business development for the area.
2. Owners of property abutting 3401 Werk Road support the proposed new business and zone change as requested.
3. The Westwood Civic Association supports the proposed business and rezoning to CC-A.
4. Property to be rezoned is adjoining an existing CG-A District to the west of the study area and CC-A will provide a transition from the CG-A to the OL District.
5. The proposed Commercial Community Auto Oriented District will not compromise the area.

RECOMMENDATION

The staff of the City Planning Department recommends that the City Planning Commission take the following actions:

1. Disapprove a zone change for the property at 3401 and 3405 Werk Road and 5964 and 5968 Glenway Avenue from OL Office Limited District to CG-A Commercial General Auto-Oriented District.
2. Approve a zone change for property at 3401 and 3405 Werk Road and 5964 and 5968 Glenway Avenue from OL Office Limited District to CC-A Community Commercial Auto-Oriented District.

Mr. Mooney left the meeting at 9:35 pm and returned at 9:40 pm.

DISCUSSION

Attorney Joe Trath representing Mr. Tom Kenkel spoke in favor of the staff's recommendation for the zone change.

John and Lori Strait of 3093 Beiden Circle emailed a letter to staff voicing concerns about the zone change of the four parcels on Werk Rd and Glenway Ave. These parcels are close to their backyard and they were concerned about the noise, traffic and waste in the area.

Motion: Mr. Mooney moved to accept staff's recommendation.

Second: Mr. Tarbell

Vote: All ayes (6-0), motion carried

ITEM #6 Public Hearing on a proposed amendment to the Oakley North Urban Renewal Plan in Oakley.

Katherine Keough-Jurs, Senior City Planner, presented this item

BACKGROUND

In June of 2001, City Planning Commission and City Council adopted the Oakley North Urban Renewal Plan. The purpose of the Plan was to study the impact to the surrounding Oakley neighborhood of burgeoning retail development in this historically industrial area. The planning process provided an opportunity for the City, the Oakley community, and private business owners to cooperatively develop consensus and leverage community assets for further redevelopment. The resulting Plan proposed a strategy to maximize development opportunities while minimizing adverse impacts on adjacent areas. The former City Planning Department prepared the Plan and the Department of Transportation and Engineering's Office of Architecture and Urban Design prepared the Blight Study.

According to Section 725-19 of the Cincinnati Municipal Code: "the City Manager or any person interested may petition Council to modify an urban renewal plan. Such petition shall be in writing and shall state in detail the modification desired. Upon receipt of such petition, Council shall refer it to the City Planning Commission for its recommendation. The City Planning Commission shall either approve or disapprove modification and return the petition to Council, together with its recommendation."

On April 27, 2005, the City Manager's Economic Development Division requested that the Oakley North Urban Renewal Plan be amended to incorporate the concept plan and development program statement for Planned Development District #36.

PURPOSE OF THE AMENDMENT

Since the Plan's adoption, the Unova site, which had been slated for continued industrial uses in the Plan, has closed its operations and has been sold to a developer. The new development, the Market Street at Millworks, proposes to redevelop several industrial sites into a mixed-use development including office and retail uses. City Planning Commission approved the concept plan for this development on March 5, 2004 as Planned Development District #36.

ANALYSIS

An Urban Renewal Plan is the City's official guide for future development within the Urban Renewal boundary, and it is a requirement that the City's administration and the elected and appointed bodies follow the recommendations set forth therein. It is also reasonable to expect that conditions may change and unexpected opportunities may arise following the adoption of these Plans. In situations where this is the case, it is wholly appropriate to amend the Plan to support these changes and opportunities.

The Oakley North Urban Renewal Plan calls for the site to remain industrial/office, and it is clear that a retail development such as the one proposed was not a viable alternative during the planning and approval process of the Plan.

Given that the property is under contract by the current developer for the uses noted in the concept plan and given the publicly reported closing and relocation of Unova facilities, staff believes that this section of the plan can no longer be applied. The concept plan as submitted would meet a number of the long-term land use goals regardless of the goal of preserving the manufacturing base.

PUBLIC COMMENT

The developer served on the Steering Committee that drafted the Urban Renewal Plan and has also been working with the Oakley Community Council since this new development's inception. The Oakley Community Council voted to support the amendment to the Urban Renewal Plan on May 3, 2005, on the condition of approval by the Zoning Committee. On May 11, 2005, the developer met with the Zoning Committee of the Oakley Community Council, where the Committee was in support of the development and the amendment.

FINDINGS

Staff recommends amending the Oakley North Urban Renewal Plan, but not in the exact manner requested. Staff does not recommend specifically incorporating the concept plan for Planned Development District #36. As the final development plan has not yet been submitted, there may be further changes to the development.

The primary reason an amendment is needed is that the proposed land use of the development is inconsistent with the recommended land use in the Plan. Therefore, Staff recommends that the proposed amendments should be limited to the mention of recommended land uses on the former Unova site. There are five specific changes recommended, consisting of changes to both maps and text in the Plan.

CONCLUSIONS

An amendment to the Oakley North Urban Renewal Plan is appropriate, as the circumstances of the site have changed to include an alternative neighborhood-supported development.

The amendment should not include incorporation of the concept plan, but should be limited to the mention of recommended land uses on the former Unova site.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:

Approve the amendments to the Oakley North Urban Renewal Plan in Oakley as attached

DISCUSSION

Mr. Mooney asked if the community council was present. Al Wallender of Vandecar was present to address the Commission. He had questions concerning the proposal and wanted to know whether the developer had closed on these properties, if a traffic study had been completed, what off-site improvements were proposed and what was the cost of these off-site improvements. Chad Munic, Economic Development Director said that the developer has not closed on any of the parcels but that the developer has options on the properties. Mr. Mooney pointed out that the staff's recommendation is not for a rezoning. The commission is only approving an amendment to the Oakley North Urban Renewal Plan. He informed Mr. Wallender that he has no objections to him raising issues, but he would need to either speak to the staff after the meeting or wait until there is a rezoning issue, this was not the time for cross-examining staff. Mr. Wallender stated that he wanted to understand the impact on the proposed development on his property which is adjacent to this property.

Mr. Faux assured Mr. Wallender that the Commission is approving the amendment to allow land use opportunities other than industrial development in the area.

Motion: Mr. Mooney motioned to approve staff recommendation.

Second: Ms. Holston

Vote: All ayes (6-0), motion carried

ITEM #7 A report and recommendation on various lease and easements to 3CDC for Fountain Square.

Jen Walke, City Planner, presented this item.

BACKGROUND

The Cincinnati Center City Development Corporation (3CDC) was formed as a private nonprofit organization to spur development in Downtown and Over-the-Rhine. One of their three focus areas includes Fountain Square. The 3CDC plan for Fountain Square involves remodeling and upgrading the Fountain Square Garage, redesigning the Fountain Square Plaza, and adding retail tenants to the surrounding storefronts.

To obtain public input, 3CDC conducted 11 public presentations throughout the Cincinnati area. In order to implement and fund 3CDC's proposed redevelopment of Fountain Square, several agreements are necessary, two of which currently require Planning Commission Approval:

I. The Lease and Operating Agreement for the Fountain Square Plaza (also referred to as the Above Grade Lease, or "Air Rights Agreement") provides the mechanism for the

operation of the garage entrance and restaurant pavilion on the Plaza. The agreement includes:

- The building footprint area for the restaurant pavilion on top of the garage entrance.
- A nominal annual rent of \$100.
- A term of 50 years.
- The City as the Landlord and 3CDC as the Tenant.
- The tenant is given authority to delegate/assign its management responsibilities.

II. The Lease and Operating Agreement for the Fountain Square North Parking Garage provides the mechanism for the operation of the Garage. This agreement includes:

- A one-time \$7.5 million rent payment to the City for the Garage, with additional nominal annual rent of \$100. The \$7.5 million payment will go to the City's Parking Revenue Fund to offset the net cash flow lost from the operation of the Fountain Square North Parking Garage. This is necessary to keep the fund soluble and to maintain the remainder of the parking system.
- A term of 50 years.
- Rate covenants to keep the parking rates below market rate.
- Income from the Garage to support the debt necessary to fund the improvements for both the Garage and the Plaza.
- The City as the Landlord and 3CDC as the Tenant
- The tenant is given authority to delegate/assign its management responsibilities.

The current zoning designation of the subject property is DD-A (Downtown Development- Downtown Core), which promotes the downtown area as a center for business, communications, office, government, retail and entertainment.

There are currently no active plans that promote an alternative use of the site.

RECOMMENDATION

Staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into and execute two separate Lease and Operating Agreements with the Cincinnati Center City Development Corporation for Fountain Square and the Fountain Square North Parking Garage.

SUBJECT

A report and recommendation on the Agreement with the Cincinnati Center City Development Corporation to provide all development management services that may be required by the City of Cincinnati in connection with the redevelopment of the property commonly known as Fountain Square Plaza, notwithstanding the provisions of Chapter 331 of the Cincinnati Municipal Code.

BACKGROUND

The Cincinnati Center City Development Corporation (3CDC) was formed as a private nonprofit organization to spur development in Downtown and Over-the-Rhine. One of their three focus areas includes Fountain Square. The 3CDC plan for Fountain Square involves remodeling and upgrading the Fountain Square Garage, redesigning the Fountain Square Plaza, and adding retail tenants to the surrounding storefronts.

To obtain public input, 3CDC conducted 11 public presentations throughout the Cincinnati area.

In order to implement and fund 3CDC's proposed redevelopment of Fountain Square, several agreements are necessary. The Management Agreement currently requires Planning Commission Approval.

I. The Management Agreement provides for 3CDC to serve as the Asset Manager of the day-to-day operation and management of Fountain Square. The Management Agreement states that:

- 3CDC will serve in an on-going capacity as the Asset manager of the day-to-day operation and management of Fountain Square
- 3CDC is permitted to subcontract/delegate its duties; 3CDC intends to enter into their own agreement with Downtown Cincinnati, Inc. (DCI).
- The City's current contract with DCI will be terminated.
- City will retain ultimate approval of scope changes/additional capital improvement beyond the initial scope of the project.
- The City will continue to control the permitted functions for Fountain Square.
- The City would pay the Asset Manager \$500,000 annually plus adjustments for Consumer Price Index inflation for the upkeep of the Plaza. This is approximately the amount currently spent on the Plaza by City Facilities, Parks, and Recreation.

The current zoning designation of the subject property is DD-A (Downtown Development- Downtown Core), which promotes the downtown area as a center for business, communications, office, government, retail and entertainment.

There are currently no active plans that promote an alternative use of the site.

RECOMMENDATION

Staff of the Department of Community Development and Planning recommends that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into and execute an Agreement with the Cincinnati Center City Development Corporation to provide all development management services that may be required by the City of Cincinnati in connection with Fountain Square Plaza, notwithstanding the provisions of Chapter 331 of the Cincinnati Municipal Code.

DISCUSSION

Mr. Mooney wanted to know if the Commission is required under the charter to approve relocation of statuary and art. He expressed to staff that it would have saved a lot of time if when the slide show and presentation was to be presented to City Council, that the Planning Commission could have been included. He pointed out that the Commission and City Council have had joint hearings/meetings in the past. Ms. Hankner pointed out that Planning staff takes for granted that the Commission knows all that is going on in the City. In reality, unless she reads it in the paper, she does not know what projects are being worked on in the City. The Commission always seems to be kept out of the loop. Chad Munitz apologized to Ms. Hankner indicating that it is not the Planning Division's error concerning the presentation. It was the Economic Development Department's oversight. He suggested that a special meeting be scheduled to present the slide show presentation to the Commission concerning the Fountain Square Project. Ms. Hankner commented that the Economic Development Department and the Planning Commission need better communication. She wanted to assure Mr. Munitz that when the Commission is not involved in the beginning of projects approvals may be delayed.

Mr. Faux agreed with both Mr. Mooney and Ms. Hankner stating that if he had not received information from Mr. Mooney who had attended the slide show, he would have had quite a few questions concerning the Fountain Square project and may have even recommended disapproval of the proposal.

Mr. Mooney wanted to know if the lease with 3CDC is for 50 years and if 3CDC would be in control of Fountain Square and who would control the events on the Square. Mr. Munitz stated that the lease would only be for the garage and the City is negotiating on the number of years.

Motion: Mr. Tarbell motioned to schedule a special meeting on Monday June 6, 2005 at 5:00 pm in City Council Chambers to view slide show presentation and to vote on the various leases and easements at that time.

Second: Ms. Hankner

Vote: All ayes (6 -0), motion carried

ITEM #8 A report and recommendation on a proposed zone change at 3800-3818 Reading Road from the RM 1.2 Residential Multi-family to an OL Office Limited in the neighborhood of North Avondale.

Caroline Kellam, Senior City Planner, presented this item

GENERAL INFORMATION:

Petitioner: A. H. Johnson
6700 Stoll Lane
Cincinnati, Ohio 45236

STAFF CONFERENCE

The Planning Division staff held a public conference on this request on Monday March 29, 2005. The petitioner, the buyer and representatives of the North Avondale Neighborhood Association attended. No persons in opposition to the zone change attended the staff conference.

BACKGROUND

Prior to February 2004 the properties at 3800-3818 Reading Road were an R-5 Multi-Family Medium Density Zoning District. The surrounding area along Reading Road had the following zoning designations:

<u>South:</u>	R-5 Multi-Family Medium Density
<u>East:</u>	R-4 Multi-Family Low Density District
<u>North:</u>	O-1 Suburban High-Density Office District
<u>West:</u>	R-5 Multi-Family Medium Density District
	R-5 (T) Multi-Family Medium Density Transitional District

Reading Road is a main thoroughfare running through North Avondale. This stretch of Reading Road in North Avondale contains a mixture of multi-family residential (large apartment buildings), offices, schools and churches.

EXISTING USE: The properties at 3800-3818 Reading Road include the following uses: a large vacant residential structure, a carriage house, and four parcels are vacant green space. The residential structure was built as a single-family home originally and was most recently used as an adult bible college. The petitioner A. H. Johnson owns the parcels at 3816 Reading Road and the City of Cincinnati Parks Department owns the parcels at 3818 Reading Road.

PROPOSED USE: The petitioner, A. H. Johnson has sold the parcels at 3800 Reading Road to Deborah Elkins-Brown who proposes to use the property for a law office. There are no current plans for the use of 3816 Reading Road. The Parks Department plans to retain 3818 Reading Road as green space.

During the Zoning Code rewrite process, it was the intent of the Planning Commission and staff to apply the new zoning designations based on existing use of the land areas. Any zone change requests were to be submitted after the new code was approved and then studied on a case-by-case basis.

COMMUNITY RESPONSE: Initially, a zone change staff conference was held in March where staff dealt with the initial request for a zone change at 3800 Reading Road from the current RM 1.2 Multi-Family residential designation to an OL Office Limited designation. This is the most limited of the office zones. The property could not be zoned

to OL because it is not contiguous to an OL zone. Therefore the only way to prevent a spot zone would be to include the property located at 3816 and 3818 Reading Road in the zone change. The petitioner, A. H. Johnson owns 3816 and has no objection to the property being rezoned to OL. The Parks Department owns 3818 and has no objection to the property being rezoned to OL.

The North Avondale Neighborhood Association wrote a letter supporting the initial zone change request. Staff has not received a letter of support for the expansion of the zone change request. The main concern of the neighborhood is that this large older residential structure that is unlikely to be used for residential uses, maintain its character if designed for an office use.

ANALYSIS:

Initially there were only two parcels included in this zone change request for 3800 Reading Road. The nearest OL zone is located at the northeast corner of Reading Road and Clinton Springs. It would be spot zoning to rezone two parcels at the corner of Reading Road and Dana Avenue from RM 1.2 Multi-family residential to OL Office Limited when these 2 parcels would be surrounded by RM1.2 Multi-family residential. Existing land uses in the area include other residential structures converted to offices, large apartment buildings, schools, nursing homes and churches. The North Avondale Business District is less than a block away beginning at the corner of Reading Road and Clinton Springs.

With the permission of the property owners, staff has added 3816-3818 Reading Road to the zone change request, which will extend OL Office Limited to an existing Office Limited zone at the northeast corner of Reading Road and Clinton Springs. See the attached letter from A.H. Johnson, owner of 3816 Reading Road. Under the OL District, the vacant land at 3816 Reading Road could still be developed for residential or limited office uses and the parkland can remain.

CONCLUSIONS:

1. The property is currently zoned RM 1.2. Residential Multi-Family that allows very limited office uses occupying less than 2,500 sf on the ground floor.
2. The existing structure is in a state of disrepair. Although it is a building worth saving, it is unlikely that this building will be reestablished for a residential use and the buyer wishes to reuse the property for an office use.
3. A change of zoning from RM 1.2 – Residential Multi-family to OL Office Limited will not have a negative impact on the neighboring residential areas.
4. There are numerous office uses throughout this Reading Road corridor and the proposed use is compatible with the surrounding uses.

RECOMMENDATION:

The staff of the City Planning Department recommends the City Planning Commission take the following action:

1. Approve a zone change for the properties located at 3800-3818 Reading Road from the RM 1.2 Residential Multi-family to OL Office Limited for the reasons that:

- a. The vacant existing structure is not conducive to a residential use and the OL Office Limited zoning designation will allow the reuse of the structure for a law office, which is compatible with the surrounding neighborhood.
- b. The OL Office Limited zoning designation will not negatively impact the existing character of the surrounding area.
- c. There are numerous office uses throughout this Reading Road corridor.

DISCUSSION

Ms. Deborah Alkins Brown stated that she and her husband Daryl purchased the property on Reading Road to open law offices. They went to NANA to get support for a zone change to allow this use.

Mr. Krause is in favor of the zone change for the property, but pointed out that it would affect the surrounding properties including the vacant lot. He suggested that the solution is to change all the properties in the triangle to OL.

Ms. Kraus wanted it to be noted that these properties are in an Urban design District and whatever development might be proposed in the future within the triangle needed to meet the conditions of the Urban Design District requirements.

Motion: Mr. Mooney moved to approve rezoning the entire triangle to OL Office Limited.

Second: Ms. Hankner

Vote: All ayes (6-0), motion carried

Mr. Tarbell left the meeting at 10:20 and returned at 10:25 am.

ITEM #9 A report and recommendation on a Historic Designation of the Woodburn Avenue Neighborhood Business District (NBD) Historic District in East Walnut Hills.

Adrienne Cowden, Senior City Planner, presented this item

BACKGROUND

At its meeting on December 20, 2004, the City of Cincinnati Historic Conservation Board directed staff to begin a designation study of the De Sales Corner area, defined by the intersection of Madison and Woodburn Avenue, in East Walnut Hills and to set up public meetings with the community. The Board's actions stemmed from a request for a designation study submitted by the East Walnut Hills Assembly. The request originated with community concerns about protecting Woodburn Avenue and De Sales Corner from indiscriminate growth. The neighborhood sought the designation of a historic district to aid in balancing its future goals for economic growth, good new design and historic preservation.

Meetings were held with the East Walnut Hills community beginning in March 2005. Subsequent meetings to discuss the proposed district boundaries and conservation

guidelines were hosted by the East Walnut Hills Assembly and De Sales Corner Business Association in May 2005. The East Walnut Hills Assembly and the De Sales Corner Business Association voted unanimously at its May 4, 2005 meeting to approve the proposed district boundary and guidelines. The Historic Conservation Board at its meeting on May 23, 2005 also voted unanimously to favorably recommend the designation of the Woodburn Avenue NBD Historic District to the City Planning Commission and to City Council.

Woodburn Avenue NBD Historic District Conservation Guidelines

New Construction

A. Intent and General Guidelines

1. Infill construction is allowed on vacant sites in the Woodburn Avenue NBD to reestablish the streetscape weakened by demolition and to strengthen the overall character of the district. New construction can improve both the physical quality and economic vitality of the neighborhood.
2. New construction should be well-designed but should not replicate the existing buildings. The exceptional quality of the existing buildings in the district provides an outstanding framework for new construction.
3. The Historic Conservation Board's review of new construction will focus on the design compatibility with the surrounding contributing structures. The appropriateness of design solutions will be based on balancing the programmatic needs of the applicant with how well the design relates to the neighboring buildings and to the intent of these guidelines. New design proposals should pay particular attention to composition, materials, openings, rhythm, scale, proportion and height.
4. The new construction guidelines for this district will be used to judge the compatibility of new work. The specific site and programmatic needs of each project will be taken into consideration.

B. Specific Guidelines

1. **Composition:** New buildings should respond to the traditional divisions found on historic property: a base, a middle and a top. Most buildings in the Woodburn Avenue NBD are built of brick with the principal facade parallel to the street it faces. The most important features of buildings in the historic district are the arrangement of openings on the principal facade and an overall vertical emphasis of the whole design. Each building provides its own variations, but collectively they share many basic features.

Base: New buildings should have a well-defined base. Within the district most buildings have a base that is distinguishable from the rest of the building. This is accomplished through a change of materials, a change of scale, and/or a lintel or other type of horizontal banding. Most buildings in the Woodburn Avenue NBD rise above a first floor storefront of cast iron or masonry.

Middle: Details on new buildings should relate to the detailing of adjacent or nearby buildings. Buildings in the district often incorporate architectural details such as changes in plane, corner turrets or changes in materials on their upper

floors. Decorative, horizontal bands indicating the floor lines, sill heights or lintel heights should not overpower the vertical emphasis of the design.

Top: New construction should employ a strong element that terminates the uppermost part of the building. Distinctive elements in the architecture of Woodburn Avenue NBD are elaborate projecting cornices, decorative parapets and the expressive use of materials.

2. **Roofs:** Roofs for new construction should be similar to roofs of adjacent and nearby buildings of similar size and use. Roofs in this district are generally flat or low pitched and have little or no overhang.
3. **Window Openings:** Window openings are extremely important in this district. The openings of new buildings should relate to the size and placement of openings found on historic structures of similar use in the district. Window openings are generally taller than wide (typically in a proportion of 2:1), window sash are set back from the wall surface, and openings have some form of definition, such as lintels, sills or decorative surrounds.

In commercial and mixed-use buildings, windows are often grouped within a single opening. Windows are typically 1/1 or 2/2 sash on the upper floors.

If muntins are used in new window sash, they must provide true divided lights or have the appearance of multi-pane sash. Within the individual opening, window sash are usually divided into two or more lights. In all cases the glass must be clear; tinted or reflective glass is not acceptable. Also, roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.

4. **Storefronts:** New storefronts should relate to the characteristics of existing storefronts on historic buildings. Storefronts in the district are typically taller than individual upper floors; framed by piers and/or columns and have a lintel separating them from the upper floors; are divided into bays which increases their verticality and provides a pedestrian scale and proportion; and have large, fixed expanses of clear (not tinted or reflective) glass. As with rehabilitated original storefronts, roll down shutters and metal bar systems installed on the exterior of the building are not appropriate elements for new storefronts.
5. **Setback:** Setback is important on Woodburn Avenue. The setback for new construction should be consistent with the buildings of similar use on adjacent and nearby sites. In the Woodburn Avenue NBD, most commercial buildings are built up to the property line. Some buildings have shallow setbacks but retain an "edge" at the property line with a fence. In most cases new construction on corner sites should be built up to the edge of both outside property lines.
6. **Rhythm:** New buildings should incorporate design features, such as window groupings, articulation of wall surfaces, and decorative elements such as columns or piers in an effort to maintain the rhythm that already exists in the district. New construction should avoid creating long unrelieved expanses of wall along the street by maintaining the rhythm of vertical bays found in the district.
7. **Emphasis:** New commercial and mixed-use construction should have a vertical emphasis window openings are tall and narrow, and storefronts have slender columns, which emphasize verticality. Commercial and multi-family buildings, which may have an overall horizontal emphasis, often incorporate vertical elements, such as pilasters or vertically oriented openings. Larger corner buildings along Woodburn Avenue are marked with prominent projecting polygonal or circular projecting bays on the upper floors.

8. **Height:** The height of new construction should not vary considerably from adjacent contributing buildings. Most buildings on Woodburn Avenue are between two and -three stories, with prominent ones rising up to seven stories.
9. **Materials:** New construction should use materials that are found on the historic buildings in the Woodburn Avenue NBD. Clearly the dominant material in the district is brick, but other materials such as limestone, sandstone, cast-iron, slate, wood and tin sheathing are important as well. Materials such as synthetic stucco, vinyl or metal siding and plastic trim are not appropriate and should not be considered as exposed finish materials for new construction in this district.

Additions

Intent and General Guidelines

1. Additions are allowed and should follow new construction guidelines. They should be compatible in character with the original. They should be sympathetic but not imitative in design.
2. Additions should be designed to relate architecturally to adjacent buildings in general and to the building they are a part of in particular.
3. Additions should not overpower the original building.
4. The appropriateness of design solutions will be based on balancing the program needs of the applicant with: 1) how well the proposed design relates to the original building and neighboring buildings and 2) how closely the proposal meets the intent of these general guidelines and the specific guidelines for new construction.

Rehabilitation

A. Intent and General Guidelines

These guidelines are intended to ensure that rehabilitation will maintain significant features of buildings in the Woodburn Avenue NBD. The guidelines are not hard-and-fast rules, but are used by the Historic Conservation Board as a guide to assess the compatibility and the appropriateness of proposed changes. Reviews are limited to the exterior changes proposed for buildings; alterations made to the interior of buildings in this district are not reviewed by the Historic Conservation Office.

The following treatments are recommended:

1. Ordinary repair and maintenance in kind to match the original which does not change the appearance of the building are acceptable.
2. Existing features in good condition should be conserved, and damaged features should be repaired rather than replaced wherever possible.
3. Replace badly damaged or missing features sensitively to harmonize with the character of the original feature. Replication is appropriate, but it is not essential.
4. Completely new features and materials should be compatible with the building in design, color, detailing, texture, size and shape.

B. Specific Guidelines

1. **Materials:** Missing or deteriorated materials should be replaced with recycled or new materials that match the original as closely as possible with regard to the following: type, color, style, shape, and texture. The composition, type of joint, size of units, placement and detailing should be appropriate for the building. Synthetic materials such as aluminum or

vinyl siding, or split-face concrete block that simulate historic building material are generally inappropriate, but may be considered on a case-by-case basis.

2. **Door and Window Openings:** Among the most important features of any building are its openings – its windows and doors. The size and location of openings are an essential part of the overall design and an important element in the building's architecture. Original wall openings should not be altered or filled. Roll down shutters and metal bar systems installed on the exterior of the building that cover door and window openings are not appropriate.
3. **Door and Window Sash:** Repair original doors and windows rather than replace whenever possible. If replacement is necessary, the new door or window should match the original in material, size and style as closely as possible. Vinyl or metal replacement windows and doors are generally discouraged, but may be considered on a case-by-case basis. Consult with the Historic Conservation Office about acceptable replacements.
4. **Ornamentation:** Significant architectural features such as window hoods, decorative piers, quoins, bay windows, door and window surrounds, cast-iron storefronts and other ornamental elements should be preserved. These distinctive features help identify and distinguish the buildings in the Woodburn Avenue NBD. Do not remove or replace ornamentation with substitutes that are of a different scale or design or an incompatible material. Make replacement ornamentation match the character of the existing feature as closely as possible with respect to type, color, style, shape and texture of material. Some synthetic materials including fiberglass castings may be approved on a case-by-case basis.
5. **Roofs:** Chimneys, dormers or towers and other architectural features that give the roofline of an building its identifying character should be preserved. Most of the buildings in the Woodburn Avenue NBD have flat or single-pitch roofs. The addition of vents, skylights, and roof top utilities should be inconspicuously placed or screened where necessary. Retain and repair original roof materials such as slate and standing seam metal roofs. Wood shakes and plastic roofing products, which are inappropriate materials in the Woodburn Avenue NBD, shall not be used. Simulated slate may be approved on a case-by-case basis.
6. **Cleaning:** Clean exterior surfaces with the gentlest method possible. For masonry structures, begin with scraping by hand or scrubbing with a bristle brush and mild detergent. Some types of chemical cleaning can be used, but test patches should be carried out in inconspicuous areas first. Do not sandblast or use other abrasive cleaning methods that destroy the surface of brick and stone and shorten the life of the building. Do not use wire brushes, because they can also damage masonry surfaces.
7. **Repointing Masonry:** Repoint historic masonry with mortar that matches the existing in color, content and texture and with joints that match in type and thickness. The mortar joints in masonry construction deteriorate for a variety of reasons. Repointing these joints can significantly aid the rehabilitation of a structure. Generally, buildings built prior to 1900 used a lime-based mortar. A typical lime-based mortar has the following formula: 8 parts sand, 2 parts lime, and 1 part portland cement. This mortar is softer than the portland cement-based mortar of today. Hard modern mortar used on historic masonry causes bricks to crack or spall during the freeze-thaw cycle.
8. **Water-Repellent Coatings:** Do not use water-repellent silicone coatings on historic masonry. Most historic structures have survived without the need of water-repellent coatings. Water-related damage on the interior of buildings is usually the result of a failing roof, deteriorated or faulty gutters and downspouts, deteriorated mortar, rising damp or condensation. Many water-repellent coatings will not solve these problems and may make them worse.

9. **Painting:** Repaint buildings elements that were historically painted. Paint is part of the aesthetic design of these buildings and should be maintained. Paint also protects wood, tin and porous nineteenth-century masonry and masks alterations and inappropriate repairs. Masonry that has not been painted in the past should not be painted. Because color can have a significant impact on the neighborhood, use paint colors that are appropriate to your building's age and style. Historically, most paint schemes were relatively simple. The Historic Conservation Office can provide owners with color combinations that are appropriate for a building's age and style. Varying the choice of color between neighboring buildings is preferred.
10. **Wood Siding:** Retain and repair original wood siding. When replacement is necessary, the new wood should match the original in size, shape, profile, exposure and detail. All wood siding should be painted. Aluminum or vinyl siding is not appropriate for replacing or covering original wood siding. Artificial stone, asbestos, asphalt siding and other similar resurfacing materials are not acceptable. The use of composite cement siding may be approved if it has the appearance of a painted wood siding.
11. **Shutters and other outside attachments:** Original shutters should be repaired and retained. Few buildings in the Woodburn Avenue NBD have or had wood shutters for the windows. Reintroducing missing shutters must be based on physical evidence and the shutters must fit the opening and be operable.

Exterior light fixtures should be appropriate to the style of the building. Colonial "coach" lights are not appropriate. Mercury vapor and other streetlights are not appropriate for attachment to the façade. Exterior light fixtures should be mounted in a way that does not cast undue glare onto neighboring properties or damage the building on which they are mounted.

12. **Storefronts:** Retain and repair the design and materials of storefronts in historic buildings. First-floor storefronts are common in the Woodburn Avenue NBD. Detailing and materials vary considerably. Each design should be considered individually and original materials should be retained. If the storefront has been altered or if none of the original materials remain, old photographs may indicate the original design. Original masonry storefront materials should be cleaned with the gentlest method possible (see section on cleaning). Cast-iron storefronts may be cleaned by abrasive methods including sandblasting. Adjacent materials must be protected and the pressure should be less than 100 p.s.i.

Do not reduce the size of storefront openings. Transparency and scale are very important to storefronts and their relationship to the remainder of the building as well as to the streetscape. Do not cover or remove significant elements such as piers, lintels, transoms, original doors or other similar details. Roll down shutters and metal bar systems installed on the exterior of the building are not appropriate. Removable interior-mounted grills and electronic surveillance systems are appropriate security measures.

13. **Signs:** Signs should be designed for clarity, legibility and compatibility with the building or property on which they are located. Signs should be located above the storefront, on the storefront windows or on awnings and should not cover any architectural features. Signs should capitalize on the special character of the building and reflect the nature of the business.

Wall signs and the mounting brackets for projecting signs should be located above the storefront or first story and below the second-story sills. The size of wall signs shall be limited to one square foot per linear foot of building frontage. Projecting signs should be no larger than 3 feet, 6 inches in width or height. Small projecting signs such as symbol

signs are appropriate. Billboards and standardized internally illuminated signs are not permitted. Sign should best be externally illuminated, but internally illuminated and neon signs may be approved on a case-by-case basis.

14. **Awnings:** The installation of fabric awnings on storefronts is encouraged. Awnings add color and variety to commercial buildings and highlight the businesses. Awnings should be installed so they do not cover or require the removal of any original architectural feature. Awnings of metal, plastic, vinyl (not vinyl coated fabric) or wood will be reviewed on a case-by-case basis. Internally illuminated awnings are not acceptable.

Site Improvements

A. Intent and General Guidelines

1. Site improvements, such as parking lots, parking pads, paving, fences, decks and landscaping should be in character with the contributing buildings in the district and should respond to the colors, textures, materials and scale found in the area of the improvement.
2. The design of any site improvement should be compatible with district buildings and not detract from the character of the district. Particular attention should be paid to maintaining the relationship and view corridors to St. Francis De Sales Church Complex and other prominent structures in the Woodburn Avenue NBD.
3. The design of site improvements should capitalize on the unique character of the area and could incorporate elements from the district. Site improvements should enhance the experience of pedestrians in the district.

B. Specific Guidelines

1. **Parking Lots:** Cars in parking lots should be screened from public view. Appropriate screening includes low masonry walls in conjunction with planting areas and landscaping, low masonry walls with wrought iron or aluminum picket fencing and planting areas with landscaping and appropriate fencing. Chain link fence along sidewalks is inappropriate.

Parking lots with a capacity of 10 or more cars should contain trees within the lot as well as around the perimeter of the lot. Concrete curbs, not rolled asphalt bumpers, are appropriate edges for parking lots.

A lot used for surface parking of motor vehicles should be for the exclusive use of owners, occupants and customers of a building located within 300 feet of the lot, and shall be subject to a restrictive covenant to implement this provision.

2. **Parking Pads:** Parking pads (parking for one or two cars) are permitted at the rear of the property, with access at alleys or existing curb cuts whenever possible. Parking pads in areas other than the rear yard shall be judged on a case-by-case basis for their impact on the property and on the district.
3. **Fences and Walls:** Wrought-iron, aluminum or cast-iron fences are encouraged along the sidewalks of vacant lots or where buildings are setback from the sidewalk. Fencing may be set between metal posts, natural stone or brick piers, or pre-cast concrete posts. Fencing may also be set on a concrete curb or on top of a retaining wall. Landscaping in front of a fence is encouraged. Plain board fences (vertical boards nailed side-by-side on horizontal stringers) or wire fences are appropriate at the rear of the property or along the side of the property. Wood fences should be painted or stained but not left to weather naturally. Chain link, stockade, shadow board, basket weave and lattice designs are not appropriate.

Retaining walls built along the front property line or along street frontage should be built of or faced with fieldstone or limestone. Retaining walls at other locations should be built of fieldstone, limestone, brick or specialized masonry block having the appearance of stone. Concrete products including cinder block, stucco and unfinished concrete masonry units should not be used as the finish material for any retaining wall.

4. **Decks:** Wood decks should be stained or painted. Rooftop decks should not be highly visible from the principal façade nor require modification of the existing roofline. .
5. **Paving for sidewalks, patios and other similar areas:** Materials used for paving should have the appearance of individual units to give the surface scale. Appropriate materials include brick, stone, scored concrete and unit pavers. Concrete should be limited to sidewalks and should not be used in large slabs over big areas, such as driveways and parking lots.
6. **Street Furniture and Amenities:** Existing historic elements in the right-of-way such as steps, mounting blocks, fences, paving, natural stone curbs and splash blocks should be retained. Historic materials such as pavers, curbs or steps shall be returned to their same location (even if they are to be paved over) when they are removed to install or repair underground or for any other purpose. Flower boxes, planters, urns and similar elements are encouraged but should be appropriate to the property where they are placed and with the district as a whole. The installation of these elements should not cover or require the alteration of any architectural details.
7. **Trees:** Street trees and trees on private property are encouraged. Do not cut down mature, healthy trees.

Demolition

Demolition regulations for designated property in Cincinnati are set forth in Chapter 1435 of the City of Cincinnati Zoning Code. See particularly Section 1435-13, Regulation of Alterations, Demolitions and Environmental Changes, and Section 1435-15, Demolition. Generally, demolition of existing buildings is permitted if one of the following conditions exists:

1. Demolition has been ordered by the Director of Buildings and Inspections or the Fire Chief for public safety because of an unsafe or dangerous condition which constitutes an emergency. See Section 1435-27(c).
2. The owner can demonstrate to the satisfaction of the Historic Conservation Board that the structure cannot be reused for any use or a reasonable economic return from the use of all or part of the building or from the sale of the property proposed for demolition cannot be realized. See Section 1435-15(b)
3. The owner is a non-profit corporation or organization and can demonstrate to the satisfaction of the Historic Conservation Board that the denial of the application to demolish would also deny the owner the use of the property in a manner compatible with its organizational purposes and would amount to a taking of the owner's property without just compensation. See Section 1435-15(c).
4. The demolition request is for an inappropriate addition or a non-significant portion of a building and the demolition will not adversely affect those parts of the building which are significant as determined by the Historic Conservation Board.

Supplemental Demolition Guidelines for the Woodburn Avenue NBD Historic District:
The Historic Conservation Board, when acting on any application for a Certificate of Appropriateness seeking approval of demolition, may:

1. Approve the demolition of a non-contributing building or a building of a later period and the demolition will not adversely affect the character of the streetscape or the district as determined by the Historic Conservation Board. A list of the non-contributing buildings is provided below.
2. Approve the demolition if it is necessary to carry out an Urban Design Plan or an Urban Renewal Plan approved by City Council or a Planned Development (PD).
3. Delay or deny the application if it finds that the reason that the structure cannot be reused for any use or the owner cannot realize a reasonable economic return from the use of all or part of the building or from the sale of the property proposed for demolition is that the owner has failed to provide the minimum maintenance required by Section 1435-25 of the Zoning Code through willful action or neglect.

New construction on the cleared site will be subject to the guidelines for new construction and site improvements for the Woodburn Avenue NBD Historic District.

Non-Contributing Buildings

A. Intent and General Guidelines

Only nine structures (at four addresses) have been identified as non-contributing to the district's historic character.

B. Specific Guidelines

1. **Rehabilitation:** The rehabilitation of non-contributing buildings should comply with the guidelines outlined in the "Rehabilitation" section of this document. These rehabilitation guidelines provide a framework for maintaining a building's basic architectural character; they do not suggest that a building be redesigned or altered to appear older than it is. Alterations to a newer building should be compatible with the original architectural character of that structure or should help the building to relate better architecturally to the surrounding historic district. The rehabilitation of an older, altered structure should restore elements of the building's historic character, whenever possible, based on remaining physical evidence, historic documentation, or similar buildings nearby. Alterations to non-contributing buildings should not create a false sense of history. In many cases it is preferable to rehabilitate and reuse a non-contributing building than to have a vacant parcel or parking lot.
2. **Additions:** Additions to non-contributing buildings should comply with the guidelines outlined in the "Additions" section of this document. Additions should be designed to relate architecturally to adjacent buildings and to the building of which they are a part. Additions should not overpower the original building.
3. **Demolition:** Non-contributing buildings may be demolished if the demolition will not adversely affect the character of the district. The Historic Conservation Board's review of an application to demolish a non-contributing building will include an evaluation of plans for the redevelopment of the cleared site, based on the "New Construction" and "Site Improvements" sections of this document.

- C. **List of Non-Contributing Buildings:** Table 2 lists the non-contributing resources within the Woodburn Avenue NBD. Nine buildings (at four addresses) do not contribute to the district's historic or architectural character of the district. The Greek Revival single-family residence at 2730 Woodburn Avenue and the Classical Revival two-story building at 2721 Woodburn Avenue are both substantially altered. However, each structure retains sufficient original detailing, form, and massing to contribute to the Woodburn Avenue NBD.

TABLE 2. Woodburn Avenue Neighborhood Business District (NBD) Non-Contributing Resources		
Address	Building Name(s)	Determination
2706 Woodburn Ave	Schulhoff Tool Rental	Non-Contributing
2701 Woodburn Ave		Non-Contributing
2709 Woodburn Ave		Non-Contributing
2715-2717 Woodburn Ave		Non-Contributing*

* = The final total of nine non-contributing buildings includes six historic buildings at 2715-2717 Woodburn Avenue.

The district also includes a vacant lot at 2614 Woodburn Avenue, a parking lot at 2732 Woodburn Avenue and a pocket park at 2810-2814 Woodburn Avenue.

DISCUSSION

Ms. Hankner asked if Mr. Schlumacher understood the significance of being included in the Historic Designation. She expressed the importance of making the information available to the public and educational institutions in the city.

Adrienne Cowden was commended by the Commission for a thorough report on the Historic Designation of the Woodburn Avenue (NBD) and her presentation.

RECOMMENDATION

Staff recommends the City Planning Commission favorably recommend to City Council the designation of the Woodburn Avenue NBD Historic District, as described in the “Woodburn Avenue NBD Historic District Designation Report” and platted on the accompanying map, including the adoption of the “Woodburn Avenue NBD Historic District Conservation Guidelines.”

Motion: Mr. Mooney moved approval of staff recommendation.

Second: Ms. McCray

Vote: All ayes (6-0), motion carried

OTHER BUSINESS

BY-LEAVE ITEM #12 A report and recommendation on the sale of property for the realignment of Dixmyth Avenue in Clifton.

This item was presented by Caroline Kellam, Senior City Planner.

BACKGROUND: This sale of property will allow the City Manager to enter into an agreement with Good Samaritan Hospital that enables the City to relocate and improve Dixmyth Avenue between Whitfield and Clifton Avenues. This project will improve vehicular, pedestrian, and bicycle safety by replacing the existing narrow, winding roadway with a relocated modern facility. The City plans to realign and widen Dixmyth Avenue for motorists, construct sidewalks along each side for pedestrians, and incorporate wider curb lanes for bicyclists. The City will plan to incorporate wall treatments, lighting, and street trees along each side of the realigned Dixmyth that will

make this transportation facility a valued community asset. Administration has met and worked with representatives of Clifton Town Meeting and CUF and received the support of both communities. See the attached resolutions.

The total cost of this project is estimated at \$3,950,000, of which \$1,500,000 is available from the Ohio Public Works Commission (OPWC); \$300,000 from Hamilton County Municipal Road Funds (MRF); \$1,280,000 from Good Samaritan Hospital; and the balance from Department of Transportation and Engineering and Greater Cincinnati Water Works capital funds. In addition to their monetary contribution, Good Samaritan Hospital is contributing property they currently own in consideration of receiving all vacated surplus right-of-way and surplus City property once the construction is finished.

The City is working closely with Good Samaritan Hospital and TriHEALTH, Inc. representatives on the design of the improvement to ensure it is well coordinated with their hospital expansion plans and schedules. The City will acquire needed real estate, provide environmental reviews, demolish buildings, prepare contract documents, and contract for and manage construction of the project. The City will be separately submitting a resolution for the intent to appropriate six parcels. These parcels are needed for the proposed Dixmyth Avenue street improvement project. Construction is scheduled to begin in March 2006.

RECOMMENDATION: The staff of the Department of Community Development and Planning recommends the City Planning Commission take the following action:

Authorize the sale of City-owned property for the realignment of Dixmyth Avenue in Clifton, which real property is no longer needed for any municipal purpose.

DISCUSSION

Ms. Hankner noted that private properties must be acquired for this project and wanted to know if eminent domain would be required and if the owners are getting fair market value for their property. She hopes everyone is treated fairly. Curtis Heines of the Department of Transportation and Engineering stated that Good Samaritan owns 40 properties and they would have to pay fair market value for the others to be purchased.

Mr. Mooney stated it only makes sense to allow the Good Samaritan Hospital to expand.

Ms. Holston stated she has driven down Dixmyth often and feels this is a good plan.

Motion: Ms. Holston moved approval of sale and realignment of Dixmyth.

Second: Mr. Mooney

Vote: All ayes (6-0), motion carried

ITEM #10 River Front Park Update.

Dave Prather stated that he was first introduced to the project in October 1997. The community wanted to connect both Parks with the downtown area to make a grand civic space that includes bike trails and a promenade. The plan was to excavate the bank of the river and make the park eye level with river traffic.

Since that time, 3CDC was created to develop the Downtown and Over –The- Rhine. They believe that street fairs such as Oktoberfest should continue in the same locations as they have been in the past. The fountain that was proposed near the river is now proposed to be moved closer towards the bridge and a playground near Mehring Way for the children is also proposed.

Ms McCray left meeting at 10:55 am. Ms. Holston left the meeting at 10:58 am.

The plan is to break ground in 2007 and some areas of the first phase of the project should be completed in 2008..

Mr. Tarbell stated that he was troubled by the 5-6 story building sites and felt that we should preserve the Grand Open Space scheme. He would prefer tall and thin buildings to preserve the open feeling.

Mr. Mooney pointed out that when the plans for this park are finalized, they need to be presented to the Planning Commission for approval.

ITEM #11 CPC Track Sheet. No discussion

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ADJOURN

Motion: Ms. Hankner moved to adjourn

Second: M. Mooney

Vote: All ayes (4-0), motion carried

Margaret A. Wuerstle, AICP
Chief Planner City Planning Commission
Department of Community
Development & Planning
Date: _____

Caleb Faux, Chair

Date: _____